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SENATE BILL 235

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

H. Diane Snyder

AN ACT

RELATING TO TAXATION; PROVIDING FOR A DISTRIBUTION TO THE STATE ROAD FUND BASED ON THE GROSS RECEIPTS TAX PAID ON STATE HIGHWAY CONSTRUCTION PROJECTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-1-6.10 NMSA 1978 (being Laws 1983, Chapter 211, Section 15, as amended) is amended to read:

"7-1-6.10. DISTRIBUTIONS--STATE ROAD FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state road fund in an amount equal to the net receipts attributable to the taxes, surcharges, penalties and interest imposed pursuant to the Gasoline Tax Act and to the taxes, surtaxes, fees, penalties and interest imposed pursuant to the Special Fuels Supplier Tax Act and the Alternative Fuel Tax Act less:

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1 (1) the amount distributed to the state  
2 aviation fund pursuant to Subsection B of Section 7-1-6.7 NMSA  
3 1978;

4 (2) the amount distributed to the motorboat  
5 fuel tax fund pursuant to Section 7-1-6.8 NMSA 1978;

6 (3) the amount distributed to municipalities  
7 and counties pursuant to Subsection A of Section 7-1-6.9 NMSA  
8 1978;

9 (4) the amount distributed to the county  
10 government road fund pursuant to Section 7-1-6.19 NMSA 1978;

11 (5) the amount distributed to the local  
12 governments road fund pursuant to Section 7-1-6.39 NMSA 1978;

13 (6) the amount distributed to the  
14 municipalities pursuant to Section 7-1-6.27 NMSA 1978;

15 (7) the amount distributed to the municipal  
16 arterial program of the local governments road fund pursuant to  
17 Section 7-1-6.28 NMSA 1978;

18 (8) the amount distributed to a qualified  
19 tribe pursuant to a gasoline tax sharing agreement entered into  
20 between the secretary of transportation and the qualified tribe  
21 pursuant to the provisions of Section 67-3-8.1 NMSA 1978; and

22 (9) the amount distributed to the general fund  
23 pursuant to Section 7-1-6.44 NMSA 1978.

24 B. A distribution pursuant to Section 7-1-6.1 NMSA  
25 1978 shall be made to the state road fund in an amount equal to  
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1 the net receipts attributable to the taxes, interest and  
2 penalties from the Weight Distance Tax Act.

3 C. A distribution pursuant to Section 7-1-6.1 NMSA  
4 1978 shall be made to the state road fund in an amount equal to  
5 one-twelfth of the total amount of gross receipts tax certified  
6 by the department of transportation as having been paid in the  
7 prior fiscal year by the department of transportation as a  
8 component of contracts for maintenance of state highways or for  
9 design or construction of state highway projects. The  
10 department of transportation shall provide the certification  
11 annually prior to July 10."

12 Section 2. Section 67-3-65.1 NMSA 1978 (being Laws 1983,  
13 Chapter 211, Section 40, as amended) is amended to read:

14 "67-3-65.1. STATE ROAD FUND DISTRIBUTION.--

15 A. The amounts distributed to the state road fund  
16 pursuant to [~~Sections~~] Subsections A and B of Section 7-1-6.10  
17 and Sections 66-6-23 and 66-6-23.1 NMSA 1978 shall be used for  
18 maintenance, construction and improvement of state  
19 transportation projects and to meet federal allotments under  
20 the federal-aid road laws, but sufficient money from the state  
21 road fund shall be set aside each year by the state treasurer  
22 to pay the principal and interest due each year on state  
23 transportation revenue bonds issued to anticipate the  
24 collection of this revenue.

25 B. The amounts distributed to the state road fund

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1 pursuant to Subsection C of Section 7-1-6.10 NMSA 1978 shall be  
2 used only for public highway maintenance, construction and  
3 improvement."

4 Section 3. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2008.

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